

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/091,333	10/26/98	O'SULLIVAN	A PI/5-20691A

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HM12/0628

EXAMINER	
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GERSTL, R

ART UNIT	PAPER NUMBER
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1613

DATE MAILED: 06/28/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/091,333	Applicant(s) O'sullivan
	Examiner Robert Gerstl	Group Art Unit 1613



Responsive to communication(s) filed on May 24, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-6, 8, 9, 12, 13, 15, 16, 18-20, 22-24, 26, 27, 29-31, 33-35, 37, 38 are pending in the application.

Of the above, claim(s) 15, 16, 18-20, 22-24, 26, 27, 29-31, 33-35, 37, 38 are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-6, 8, 9, 12, and 13 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

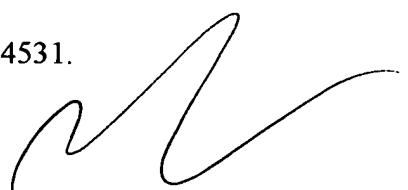
Art Unit: 1613

DETAILED ACTION

1. The restriction requirement of paper no. 7 is deemed to be proper and is repeated. The reactants, reagents and reaction conditions differ in the processes. Claims 15, 16, 18-20, 22-24, 26, 27, 29-31, 33-35, 37, 38, 40-42, 44-46, 48-52, 54-56, 58-64, 66, 67 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected inventions, the requirement having been traversed in Paper No. 10.
2. Claims 1-6, 8, 9, 12 and 13 are rejected under 35 U.S.C. 135(b) as not being made prior to one year from the date on which U.S. Patent No. 5679796 was granted.
3. Claims 6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 depeds on a cancelled claim. Claim 6 lacks antecedent basis for "the solvent".
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Gerstl whose telephone number is (703) 308-4531.

RG

June 23, 1999



ROBERT GERSTL
PRIMARY EXAMINER
GROUP 1600